

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

WERNER AERO SERVICES, on  
behalf of itself and all others similarly  
situated,

Plaintiff,

v.

CHAMPION LABORATORIES, INC.;  
PUROLATOR FILTERS N.A. L.L.C.;  
HONEYWELL INTERNATIONAL  
INC.; WIX FILTRATION  
PRODUCTS; CUMMINS  
FILTRATION INC., THE  
DONALDSON COMPANY;  
BALDWIN FILTERS INC.; BOSCH  
USA; MANN + HUMMEL USA, INC.;  
ARVINMERITOR, INC.; and UNITED  
COMPONENTS, INC.,

Defendants.

Case No.: 3:08-cv-00474

Senior Judge Robert Echols  
Magistrate Judge Juliet E. Griffin

**PLAINTIFF'S AND DEFENDANTS' JOINT MOTION FOR ENTRY OF  
AGREED ORDER TO EXTEND TIME FOR DEFENDANTS TO RESPOND TO  
COMPLAINT AND TO STAY DISCOVERY**

All parties hereby respectfully and jointly move this Court for entry of the attached agreed order to extend the time for defendants to respond to the complaint and to stay discovery. The parties agree to the following facts in support of this motion:

Plaintiff Werner Aero Services ("Plaintiff") alleges antitrust violations by manufacturers, distributors, and sellers of oil, air, fuel and transmission filters ("Filters"), including but not limited to the defendants Champion Laboratories, Inc., Purolator Filters N.A. L.L.C., Bosch U.S.A., Mann + Hummel U.S.A., Inc., ArvinMeritor, Inc., Honeywell International Inc., Wix Filtration Corp. LLC, Cummins Filtration Inc.,

Donaldson Company, Inc., Baldwin Filters, Inc. and United Components, Inc. (the “Defendants”);

At least thirty-six complaints have been filed to date in federal district courts throughout the United States by plaintiffs purporting to bring class actions on behalf of direct or indirect purchasers of Filters alleging antitrust violations by manufacturers, distributors, and sellers of oil, air, fuel and transmission filters (collectively, the “Filters Cases”);

Four motions are pending before the Judicial Panel on Multidistrict Litigation (“Panel”) to transfer the Filters Cases for coordinated and consolidated pretrial proceedings in a single district pursuant to 28 U.S.C. § 1407 (the “MDL Motion”);

The Plaintiff consents to the Panel transferring and consolidating this case with the other Filters Case, and anticipates the possibility of a Consolidated Complaint in the Filters Cases after the Panel issues an order on the MDL Motion and the Filters Cases are assigned to a transferee court; and

On June 3, 2008, Defendants filed a motion to stay this matter. Since that time, Plaintiff and Defendants have had further discussions and now agree that an orderly schedule for any response to the complaint and any pre-trial discovery would be more efficient for the Parties and the Court instead of further briefing on Defendants’ motion to stay. Based on their resolution of the stay motion, the parties further respectfully request that the telephonic status conference set for June 16, 2008 be cancelled.

WHEREFORE, all parties to this action jointly move this Court to grant this Joint Motion for Entry of Agreed Order to Extend Time for Defendants to Respond to Complaint and to Stay Discovery.

Dated: June 9, 2008

Respectfully submitted,

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**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

WERNER AERO SERVICES, on  
behalf of itself and all others similarly  
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Plaintiff,

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CHAMPION LABORATORIES, INC.;  
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ARVINMERITOR, INC.; and UNITED  
COMPONENTS, INC.,

Defendants.

Case No.: 3:08-cv-00474

Senior Judge Robert Echols  
Magistrate Judge Juliet E. Griffin

**AGREED ORDER TO EXTEND TIME FOR DEFENDANTS  
TO RESPOND TO COMPLAINT AND TO STAY DISCOVERY**

This matter came before the Court upon the parties' joint motion to extend the time for Defendants to respond to Plaintiff's complaint and to stay discovery. Plaintiff Werner Aero Services ("Werner") has filed the above-captioned case ("Plaintiff's Action"), wherein it alleges antitrust violations by manufacturers, distributors, and sellers of oil, air, fuel and transmission filters ("Filters"), including but not limited to the defendants Champion Laboratories, Inc., Purolator Filters N.A. L.L.C., Bosch U.S.A., Mann + Hummel U.S.A., Inc., ArvinMeritor, Inc., Honeywell International Inc., Wix Filtration Corp. LLC, Donaldson Company, Inc., and Baldwin Filters, Inc., United Components, Inc. and Cummins Filtration Inc. (the "Defendants").

As set forth in the joint motion, the parties have represented that at least thirty-six complaints have been filed to date in federal district courts throughout the United States by plaintiffs purporting to bring class actions on behalf of direct or indirect purchasers of Filters alleging antitrust violations by manufacturers, distributors, and sellers of oil, air, fuel and transmission filters (collectively, the “Filters Cases”). The parties have also represented that four motions are pending before the Judicial Panel on Multidistrict Litigation (“Panel”) to transfer the Filters Cases for coordinated and consolidated pretrial proceedings in a single district pursuant to 28 U.S.C. § 1407 (the “MDL Motion”). The Plaintiff consents to the Panel transferring and consolidating this case with the other Filters Cases, and anticipates the possibility of a Consolidated Complaint in the Filters Cases after the Panel issues an order on the MDL Motion and the Filters Cases are assigned to a transferee court (the “MDL Order”).

As set forth in the joint motion and herein, the Plaintiff and Defendants (the “Parties”) have agreed that an orderly schedule for any response to the complaint in Plaintiff’s Action and any pre-trial discovery would be more efficient for the Parties and for the Court. As evidenced by the signatures of counsel to the parties below and as set forth in the joint motion, it appears to the Court that the parties are in agreement with respect to the terms set forth herein. Under these circumstances, and for good cause shown, the Court finds that the joint motion is well-taken and shall be GRANTED. Accordingly, the Court’s June 5, 2008 Order is modified, and the Court hereby ORDERS, ADJUDGES and DECREES as follows:

1. The time for Defendants to answer, move, or otherwise respond to the complaint in Plaintiff's Action shall be extended until the earliest of the following dates: (1) if this case is transferred to another district pursuant to the MDL Order, the date set by that transferee court for responding to the Consolidated Complaint in the Filters Cases ("Response Date"); or (2) if this case is not transferred to another district pursuant to the MDL Order, thirty days after that Order, *provided, however*, that in the event that any undersigned Defendant should answer, agree or be ordered to answer, move or otherwise respond to the complaint in any of the Filters Cases prior to the Response Date, then that Defendant shall respond to the complaint in the Plaintiff's Action by that earlier date;

2. All proceedings in this action are stayed, including the Parties' obligations pursuant to Local Rules 16.01 and 23.01, Federal Rules of Civil Procedure 16 and 26 and other applicable local and federal rules, until (1) this case is transferred pursuant to the MDL Order, in which case it will proceed on the schedule set by the transferee court; or (2), if this case is not transferred to another district pursuant to the MDL Order, thirty days after Defendants have answered, moved or otherwise responded to the complaint in Plaintiff's Action. Accordingly, the telephone conference set for June 16, 2008 also is cancelled; and

3. To conserve party and judicial resources and in light of the proceedings currently pending before the Judicial Panel on Multidistrict Litigation to consolidate and transfer all pending Filters Cases to one Court, this extension and stay is available in all related actions assigned to the undersigned to any defendant that provides written notice



to all plaintiffs of its intention to join this extension and stay, without further stipulation with counsel for plaintiffs in the related actions.

IT IS SO ORDERED.

Dated: June \_\_, 2008

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JULIET GRIFFIN  
United States Magistrate Judge

APPROVED FOR ENTRY:

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